



8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)

11 Plaintiff,)

12 v.)

13 CARLOS OWENDANO-TOERES)
14 Defendant.)
15

Case No.: 12-1850 M

ORDER OF PRETRIAL
DETENTION
(18 U.S.C. §§ 3142(e), (i))

16 I.

17 A. () On motion of the Government in a case that involves:

18 1. () a crime of violence, a violation of 18 U.S.C. § 1591, or an
19 offense listed in 18 U.S.C. § 2332b(g)(5)(B) for which a
20 maximum term of imprisonment of ten years or more is
21 prescribed.

22 2. () an offense for which the maximum sentence is life
23 imprisonment or death.

24 3. () an offense for which a maximum term of imprisonment of ten
25 years or more is prescribed in the Controlled Substances Act,
26 the Controlled Substances Import and Export Act, or the
27 Maritime Drug Law Enforcement Act.
28

III.

The Court has considered:

- A. the nature and circumstances of the offense(s) charged;
- B. the weight of the evidence against defendant;
- C. the history and characteristics of defendant; and
- D. the nature and seriousness of the danger to any person or the community that would be posed by defendant's release.

IV.

The Court has considered all the evidence proffered and presented at the hearing, the arguments and/or statements of counsel, and the Pretrial Services Report and recommendation.

V.

The Court concludes:

- A. ☒ Defendant poses a serious flight risk based on:
 - ☒ information in Pretrial Services Report and Recommendation
 - ☒ other: complaint

- B. ☒ Defendant poses a risk to the safety of other persons and the community based on:

- ☒ information in Pretrial Services Report and Recommendation
- ☒ other: complaint

- C. ☐ A serious risk exists that defendant will:
 - 1. ☐ obstruct or attempt to obstruct justice,
 - 2. ☐ threaten, injure, or intimidate a witness/juror, or attempt to do so,

1 based on: _____
2 _____
3 _____
4 _____

5 D. () Defendant has not rebutted by sufficient evidence to the contrary the
6 presumption provided in 18 U.S.C. § 3142(e) that no condition or
7 combination of conditions will reasonably assure the appearance of
8 defendant as required.

9 E. () Defendant has not rebutted by sufficient evidence to the contrary the
10 presumption provided in 18 U.S.C. § 3142(e) that no condition or
11 combination of conditions will reasonably assure the safety of any
12 other person and the community.

13 VI.

14 A. IT IS THEREFORE ORDERED that defendant be detained prior to trial.

15 B. IT IS FURTHER ORDERED that defendant be committed to the custody of
16 the Attorney General for confinement in a corrections facility separate, to
17 the extent practicable, from persons awaiting or serving sentences or being
18 held in custody pending appeal.

19 C. IT IS FURTHER ORDERED that defendant be afforded reasonable
20 opportunity for private consultation with counsel.

21 D. IT IS FURTHER ORDERED that, on order of a Court of the United States
22 or on request of an attorney for the Government, the person in charge of the
23 corrections facility in which defendant is confined deliver defendant to a
24 United States Marshal for the purpose of an appearance in connection with a
25 court proceeding.

26 DATED: August 1, 2012

27 
28 SHERI PYM
United States Magistrate Judge